

S.D.N.Y.  
96-cr-534  
Stein, J.

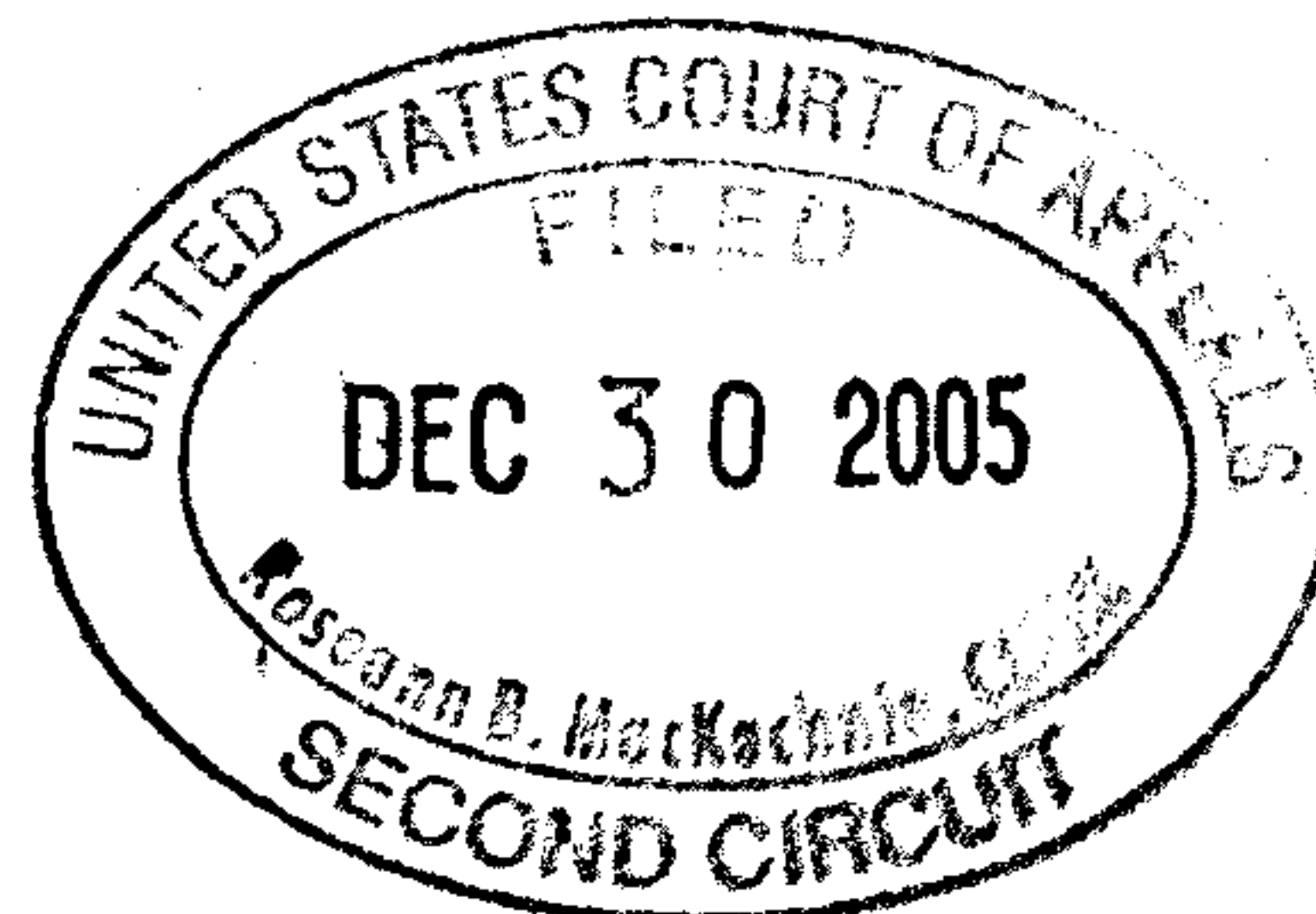
**MANDATE**

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 30th day of December two thousand six,

Present:

Hon. Guido Calabresi,  
Hon. Sonia Sotomayor,  
Hon. Reena Raggi,  
*Circuit Judges.*



Tyrone Daniel Greene,

Petitioner-Appellant,

v.

05-6362-op

United States of America,

Respondent-Appellee.

Petitioner, *pro se*, applies for an order authorizing the United States District Court for the Southern District of New York to consider a second or successive 28 U.S.C. § 2255 motion to vacate. Upon due consideration, it is ORDERED that the application is TRANSFERRED to the district court for whatever further proceedings are appropriate, as the adjudication of the petitioner's prior § 2255 motion was not final as of the date the present application was filed. See *Whab v. United States*, 408 F.3d 116, 120 (2d Cir. 2005).

FOR THE COURT:  
Roseann B. MacKechnie, Clerk

By: *Lucille Carr*

A TRUE COPY  
Roseann B. MacKechnie, CLERK

by *William Philp*

DEPUTY CLERK

Issued as Mandate:

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